

Conference Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 351

SENATE BILL 1360

AN ACT

AMENDING SECTION 33-1452, ARIZONA REVISED STATUTES; RELATING TO ARIZONA
MOBILE HOME PARKS RESIDENTIAL LANDLORD AND TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1452, Arizona Revised Statutes, is amended to
3 read:

4 33-1452. Rules and regulations

5 A. A landlord shall adopt written rules or regulations, however
6 described, concerning the tenant's use and occupancy of the premises. Such
7 rules or regulations are enforceable against the tenant only if:

8 1. Their purpose is to promote the convenience, safety or welfare of
9 the tenants on the premises, preserve the landlord's property from abusive
10 use, preserve or upgrade the quality of the mobile home park or make a fair
11 distribution of services and facilities held out for the tenants generally.

12 2. They are reasonably related to the purpose for which adopted.

13 3. They apply to all tenants on the premises in a fair manner.

14 4. They are sufficiently explicit in prohibition, direction or
15 limitation of the tenant's conduct to fairly inform the tenant of what must
16 or must not be done to comply.

17 5. They are not for the purpose of evading the obligations of the
18 landlord.

19 6. The prospective tenant has a copy of the current rules and
20 regulations before he enters into the rental agreement.

21 B. A new tenant who brings a mobile home into a mobile home park or
22 who purchases an existing mobile home in a mobile home park shall comply with
23 all current STATEMENTS OF POLICY AND rules or regulations, INCLUDING THOSE
24 PERTAINING TO THE SIZE, CONDITION AND APPEARANCE OF THE MOBILE HOME, AND
25 EXTERIOR MATERIALS WITH WHICH THE MOBILE HOME HAS BEEN CONSTRUCTED.

26 C. If any mobile home park owner adds, changes, deletes or amends any
27 rule, notice in writing of all such additions, changes, deletions or
28 amendments shall be furnished to all mobile home tenants thirty days before
29 they become effective by first class or certified mail or by personal
30 delivery. Any rule or condition of occupancy which is unfair and deceptive
31 or which does not conform to the requirements of this chapter shall be
32 unenforceable. A rule or regulation adopted after the tenant enters into the
33 rental agreement is enforceable against the tenant only if it does not work
34 a substantial modification of his rental agreement.

35 D. A person who owns or operates a mobile home park shall not:

36 1. ~~Deny rental unless the mobile home is not compatible with the other~~
37 ~~mobile homes in the park or does not meet the requirements of the RULES AND~~
38 ~~REGULATIONS OF THE LANDLORD AND THE statements of policy prescribed pursuant~~
39 ~~to section 33-1436 or the park resident or prospective resident cannot~~
40 ~~conform to park rules and regulations.~~

41 2. Require any person as a precondition to renting, leasing or
42 otherwise occupying a space for a mobile home in a mobile home park to pay
43 an entrance or exit fee of any kind unless for services actually rendered or
44 pursuant to a written agreement.

1 3. Deny any resident of a mobile home park the right to sell the
2 resident's mobile home at a price of his own choosing during the term of the
3 tenant's rental agreement, but the landlord may reserve the right to approve
4 the purchaser of such mobile home as a tenant but such permission may not be
5 unreasonably withheld, except that the landlord may require, notwithstanding
6 paragraph 6 of this subsection, in order to preserve or upgrade the quality
7 of his mobile home park, that any mobile home not compatible with the other
8 mobile homes in the park IN COMPLIANCE WITH THE LANDLORD'S CURRENT RULES AND
9 REGULATIONS AND STATEMENTS OF POLICY, or in a rundown condition or in
10 disrepair be removed from the park within sixty days. Within ten days of a
11 written request by the seller or prospective purchaser, a landlord shall
12 notify the seller and the prospective purchaser in writing of any reasons for
13 withholding approval of a purchaser pursuant to this paragraph.

14 4. Exact a commission or fee with respect to the price realized by the
15 tenant selling the mobile home, unless the park owner or operator has acted
16 as agent for the mobile home owner pursuant to a written agreement.

17 5. Require a tenant or prospective tenant to use any specific sales
18 agency, manufacturer, retailer or broker.

19 6. Notwithstanding section 33-1436, subsection C, require an existing
20 tenant to furnish permanent improvements which cannot be removed without
21 damage thereto or to the mobile home space by a tenant at the expiration of
22 the rental agreement. If the landlord includes any requirements for
23 permanent improvements in the rules or statements of policy, these
24 requirements shall not apply to any mobile home already existing in the
25 mobile home park.

26 7. Prohibit a tenant from advertising the sale or exchange of the
27 tenant's mobile home, including the display of a "for sale" or "open house"
28 sign on the dwelling or in the window of the mobile home stating the name,
29 address and telephone number of the owner or agent of the mobile home. The
30 sign may be no larger than twelve inches wide and eighteen inches long. In
31 addition to the display of a sign in the window, the tenants may display the
32 signs on a central posting board in the park which is reasonably accessible
33 to the public seven days a week during daylight hours.

34 E. The landlord or manager of a mobile home park shall include, in
35 rules and regulations, an emergency number to be called when the park is left
36 unattended, regardless of the size of the park.

37 F. The landlord shall not prohibit meetings of tenants with or without
38 invited visiting speakers in the mobile home park relating to mobile home
39 living and affairs in the park community or recreational hall if such
40 meetings are held at reasonable hours and when the facility is not otherwise
41 in use.

42 G. Any improvements made by a tenant such as plants, vines, edgings,
43 gravel, stone or other additions made for the benefit of the tenancy may be
44 removed by the tenant, or by agreement of both parties the landlord may
45 retain the improvements by paying the tenant for their actual cost.

1 H. If a tenant dies, any surviving joint tenant or cotenant continues
2 as tenant with the same rights, privileges and liabilities as if the
3 surviving tenant were the original tenant, with the additional right to
4 terminate the rental agreement by giving sixty days' written notice to the
5 landlord within sixty days after the death of the tenant.

6 I. If a tenant who was sole owner of the mobile home dies during the
7 term of the rental agreement, the tenant's heirs or legal representative have
8 the right to cancel the lease by giving thirty days' written notice to the
9 landlord with the same rights, privileges and liabilities of the original
10 tenant.

11 J. THIS SECTION DOES NOT PROHIBIT A LANDLORD FROM REQUIRING REMOVAL
12 OF A MOBILE HOME FROM THE MOBILE HOME PARK WITHIN SIXTY DAYS AFTER THE SALE
13 BY A TENANT IF THE MOBILE HOME DOES NOT MEET THE CURRENT REQUIREMENTS OF THE
14 RULES AND REGULATIONS AND STATEMENTS OF POLICY, INCLUDING THOSE PERTAINING
15 TO THE SIZE, CONDITION AND APPEARANCE OF THE MOBILE HOME, AND EXTERIOR
16 MATERIALS WITH WHICH THE MOBILE HOME HAS BEEN CONSTRUCTED.

17 Sec. 2. Joint legislative study committee on mobile home parks;
18 water service; members; report

19 A. A joint legislative study committee on water services in mobile
20 home parks is established consisting of the following members:

21 1. Six members of the senate who are appointed by the president of the
22 senate and no more than three of whom are members of the same political
23 party. The president of the senate shall select one member as the cochairman
24 of the committee.

25 2. Six members of the house of representatives who are appointed by
26 the speaker of the house of representatives and no more than four of whom are
27 members of the same political party. The speaker of the house of
28 representatives shall select one member as the cochairman of the committee.

29 3. One operator of a mobile home park who is appointed by the
30 governor.

31 4. One representative of the Arizona corporation commission who is
32 appointed by the governor.

33 5. One member of the public who is appointed by the governor.

34 6. One representative of municipal water providers who is appointed
35 by the president of the senate.

36 7. One representative of an association of mobile home parks who is
37 appointed by the president of the senate.

38 8. One representative of an association of mobile park residents who
39 is appointed by the president of the senate.

40 9. One representative of an association of recreational vehicle parks
41 who is appointed by the speaker of the house of representatives.

42 10. One representative of a municipal water provider in a county with
43 a population of more than one million three hundred thousand persons who is
44 appointed by the speaker of the house of representatives.

1 11. One representative of a municipal water provider in a county with
2 a population of less than one million three hundred thousand persons who is
3 appointed by the speaker of the house of representatives.

4 B. The committee shall study issues involving master water metering
5 in mobile home parks, including the following:

6 1. Number and type of water systems used in mobile home communities.

7 2. Cost of providing water, water metering services and providing and
8 maintaining the infrastructure for master meter communities.

9 3. Analysis of distribution systems involved in master water meter
10 mobile home communities.

11 4. Rehabilitation upgrades of mobile home communities including
12 infrastructure.

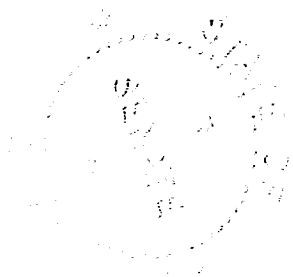
13 C. On or before December 15, 2001, the committee shall submit a final
14 report regarding the committee's activities and recommendations for
15 legislative action to the governor, the president of the senate and the
16 speaker of the house of representatives and provide a copy of this report to
17 the secretary of state and the director of the Arizona state library,
18 archives and public records.

19 Sec. 3. Delayed repeal

20 Section 2 of this act is repealed from and after December 31, 2001.

APPROVED BY THE GOVERNOR MAY 7, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2001.

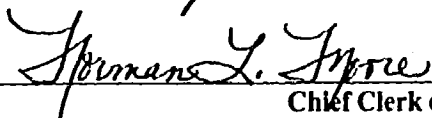


Passed the House April 11, 2001,
by the following vote: 33 Ayes,

23 Nays, 4 Not Voting



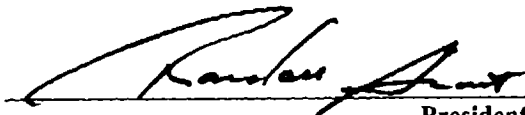
Speaker of the House



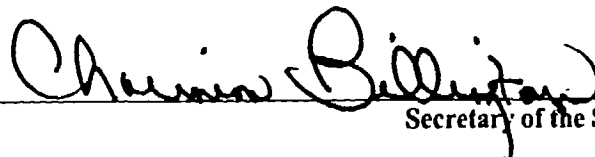
Chief Clerk of the House

Passed the Senate February 26, 2001,
by the following vote: 28 Ayes,

2 Nays, 0 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1360

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

~~FAILED~~
Passed the House April 26, 20 01,

by the following vote: 23 Ayes,

31 Nays, 6 Not Voting

Speaker of the House

Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate April 25, 20 01,

by the following vote: 16 Ayes,

12 Nays, 1 Not Voting

Randall Smith
President of the Senate

Chasmin B. Belfrage
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 1 day of May, 20 01,

at 4:40 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 7 day of

May, 20 01,

at 2:40 o'clock P M.

Janet Hall
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20 _____,

at _____ o'clock _____ M.

S.B. 1360

Secretary of State

ON RECONSIDERATION

HOUSE FINAL PASSAGE

as per Joint Conference

Passed the House May 01, 20 01,

by the following vote: 47 Ayes,

10 Nays, 3 Not Voting

Jake Flake
Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

~~SENATE FINAL PASSAGE~~

~~as per Joint Conference~~

~~Passed the Senate _____, 20____,~~

~~by the following vote: _____ Ayes,~~

~~_____ Nays, _____ Not Voting~~

~~_____~~
President of the Senate

~~_____~~
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 1 day of May, 2001,

at 4:40 o'clock P M.

Sandra Rangel
Secretary to the Governor

Approved this 7 day of

May, 20 01,

at 2:40 o'clock P M.

Janice K. Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2001,

at 5:00 o'clock P M.

Robert Bayless
Secretary of State

S.B. 1360